

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

ANN L. BRESLIN,

Plaintiff,

v.

**STATE OF DELAWARE
DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL,**

Defendant.

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C.A. NO. 05-290 (JJF)

JURY TRIAL DEMANDED

**APPENDIX TO PLAINTIFF'S ANSWERING BRIEF
IN OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

**Jeffrey K. Martin, Esquire (#2407)
Lori A. Brewington, Esquire (#4522)
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680
Attorneys for Plaintiff**

DATED: September 27, 2006



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DNREC : Division of Air & Waste Management

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DNREC Site Map

Sections and Branches

The Division of Air and Waste Management oversees the handling, transferring and storing of solid and hazardous materials by regulating, monitoring, inspecting, enforcing and responding to emergencies. The Division also implements the state's air monitoring, permitting and compliance programs. The Division's responsibilities include:

- Administering Delaware's Air Quality Program, including air monitoring and regulating air emissions.
- Administering a program for the maintenance and installation of underground and above ground storage tanks, and overseeing cleanup of tanks that may leak.
- Administering programs to prevent industrial accidents, to ensure emergency planning and the community's right to know, and to respond to environmental emergencies.
- Administering programs to remediate sites contaminated by hazardous substances.
- Administering programs for the reuse, recycling, transport and disposal of solid and hazardous waste.

Director's Office: administers and directs the operations of the Division of Air and Waste Management's Air Quality Management, Waste Management and Enforcement Sections, as well as the Emergency Prevention & Response Branch. The Director's Office carries out cost recovery procedures to recoup state monies used in the cleanup of environmental violations and emergency incidents, develops and implements policies and procedures for the Division, coordinates legal assistance for the Division, provides all Division accounting services, and coordinates Division outreach.

Director
James D. Werner
302.739.9400

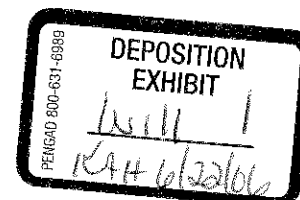
Deputy Principal Assistant
Marjorie Crofts
302.739.9400



SERVICES

INFORMATION

B-0001



Outreach Ombudsman
Christina Wirtz
302.395.2515

Director's Office Organizational Chart

Director's Office
89 Kings Highway
Dover, DE 19901

Map & Driving Directions

Air Quality Management Section issues permits to construct and permits to operate to air contaminant sources, maintains emission inventories from business and industry, inspects air contaminant sources, monitors air quality and inspects asbestos removal sites. The Section is also responsible for: developing the State Implementation Plan as required by the Clean Air Act; adopting new regulations; enforcing existing regulations and permits; and implementing the Small Business Technical Assistance Program.

- Air Quality Management Section Administrator's Office Organizational Chart
- Air Surveillance Organizational Chart
- Engineering and Compliance Organizational Chart
- Planning and Community Protection Organizational Chart

Section Administrator
Ali Mirzakhali
302.739.9402
New Castle 302.3234542

Dover Office:
156 S. State Street
Dover, DE 19901

Map & Driving Directions

New Castle Office:
715 Grantham Lane
New Castle, DE 19720

Map & Driving Directions

Emergency Prevention and Response Branch responds statewide 24 hours a day to oil spills, hazardous material incidents, and possible terrorist threats. The Branch also coordinates responses with local fire departments and various local, state, and federal agencies and implements the Emergency Planning and Community Right-to-Know and Accidental Release Prevention Programs.

24 Hour Complaint Line 1.800.662.8802

Branch Manager
Ellen D. Malenfant
302.739.9404

Dover Office:

89 Kings Highway
Dover, DE 19901

Map & Driving Directions

New Castle Office:
715 Grantham Lane
New Castle, DE 19720

Map & Driving Directions

Enforcement Section enforces the state's air, waste and water pollution laws and assists the Emergency Prevention and Response Branch in responding to environmental emergencies. Officers are available 24 hours per day to investigate complaints.

24-Hour Complaint Line 1.800.662.8802

Enforcement Section Organizational Chart

Chief
Kurt Reuther
302.739.9401

Dover Office:
89 Kings Highway
Dover, DE 19901

Map & Driving Directions

New Castle Office:
715 Grantham Lane
New Castle, DE 19720

Map & Driving Directions

Georgetown Office:
114 E. Market Street
Georgetown, DE 19947

Site Investigation & Restoration Branch is responsible for the identification, evaluation and remediation of hazardous waste sites, from Brownfields to federal Superfund sites, in the State.

Site Investigation & Restoration Branch Organizational Chart

Branch Manager
Kathleen Stiller Banning
302.395.2600
391 Lukens Drive
New Castle, DE 19720

Map & Driving Directions

Solid and Hazardous Waste Management Branch ensures - through regulation and permitting mechanisms - that waste generated, transported, treated, recycled, reused or disposed in Delaware is managed in an environmentally safe manner. The Branch also encourages, through voluntary means, waste reduction, reuse, and recycling activities.

Solid and Hazardous Waste Management Branch Organizational Chart

Branch Manager
Nancy C. Marker
302.739.9403
89 Kings Highway
Dover, DE 19901

Map & Driving Directions

Tank Management Branch administers and assists with the installation, management of abandonment, removal and cleanup of underground and above-ground storage tank systems, to prevent contamination of soils and groundwater supplies. The staff also permits the installation and operation of vapor recovery equipment and inspects boilers and pressure vessels to ensure public safety.

Tank Management Branch Organizational Chart

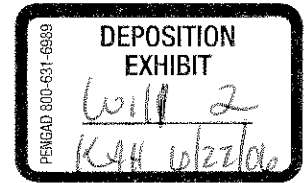
Branch Manager
E. Alex Rittberg
302.395.2500
391 Lukens Drive
New Castle, DE 19720

Map & Driving Directions

Boiler Safety Director
Jim B. Harlan
302.744.2735
303 Transportation Circle
Dover, DE 19903

Map & Driving Directions

STATE OF DELAWARE
CLASS SERIES DESCRIPTION
ENVIRONMENTAL SCIENCE SERIES



DESCRIPTION OF OCCUPATIONAL WORK

This class series uses five levels in the Agriculture, Natural Resources and Sciences occupational group, Sciences occupational series and describes work as a technical, scientific advisor within a specialized environmental area for the preservation, management and protection of the state's environmental and natural resources. Work is conducted in support of fish and wildlife management, air quality management, waste management, soil and water conservation and water resources management and related resources.

Note: Essential functions are fundamental, core functions common to all positions in the class series and are not intended to be an exhaustive list of all job duties for any one position in the class. Since class specifications are descriptive and not restrictive, incumbents can complete job duties of similar kind not specifically listed here.

ESSENTIAL FUNCTIONS

- Conducts field studies or inspections and evaluations for compliance with permit and regulatory requirements; observes, collects, analyzes, reviews and interprets data from standard field studies, compliance inspections, various regulatory submissions or literature and makes recommendations.
- Performs statistical analysis of data.
- Conducts technical reviews and makes recommendations on permit applications or other various regulatory submissions to ensure compliance with regulations.
- Prepares permits, technical reports and/or enforcement case documents.
- Responds to technical/regulatory inquiries from other state, local and federal agencies as well as public and private organizations or individuals.

Note: This career ladder series incorporates levels I, II, III and IV. The I level is to provide entry for hiring new employees into the class series but does not preclude hiring new employees at higher levels. Employees may be promoted through the career ladder in accordance with minimum qualifications and promotional standards. Promotional standards, a selection document under separate cover, sets forth the criteria that defines and describes the requirements that must be met at each level. Advancement of employees through the career ladder is dependent on an agency's/department's operational needs and distribution of work.

The Environmental Scientist V level, though not part of the career ladder, provide competitive opportunity for movement of employees.

LEVELS OF WORK

Class Code: 77791 Environmental Scientist I

This is the entry level of environmental science work.

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- Reports to a technical or administrative superior.
- Depending on the complexity of activities performed, work can be reviewed in progress or at completion of an assignment.
- Performs routine, standard work assignments and assists with more complex assignments.
- Participates or assists in preparing for public meetings by conducting background research and drafting information for use by others.
- May participate on State Emergency Response Team and State Radiological Emergency Response Team.

Class Code: 77792 Environmental Scientist II

This is the full performance level of environmental science work.

- Work is reviewed at critical stages of a project.
- Plans and conducts environmental assessments, studies, investigations or compliance inspections/evaluations and prepares reports of findings; makes recommendations for action.
- Prepares permits or technical reports for review by superior.
- Represents the Division to other state, local and federal agencies, public or private organizations or individuals to discuss findings and recommendations pertaining to environmental studies and/or regulatory actions; may conduct public meetings or hearings.
- May prepare statistical analysis of data and make recommendations.
- May perform technical review and make recommendations on permit applications or other submissions requiring regulatory interpretation to ensure compliance.
- May testify at environmental appeal hearings or court proceedings.
- May make recommendations for action on violations of permits or regulations; may negotiate a resolution with the affected party(ies).
- May draft policies, program authorizations/delegations, regulations or statutory changes and provides recommendations for programmatic improvements.
- May serve on inter-departmental, multi-media, and environmental assessment and/or implementation teams.
- Provides guidance and training to lower level technical staff.
- May use established computer models to evaluate data to determine trends and outcomes; may collect, organize and analyze data for use in making programmatic recommendations.

Class Code: 77793 Environmental Scientist III

This is the project management level of environmental science work.

- Work is performed independently and reviewed at completion.
- Designs, plans and oversees the implementation of complex and diverse environmental investigations, studies or projects; prepares report of findings and recommendations for action and may oversee implementation; reviews and critiques studies or reports prepared by other technical staff, contractors and consultants.
- Makes decisions on all aspects of assigned projects that may involve significant state and federal or private expenditures.
- Designs, budgets and oversees project implementation, assessment and evaluation.
- Evaluates complex permit applications or other regulatory submissions, develops statutes or regulations and program requirements such as protocols, procedures, application documents, policies, guidance documents or educational materials. Negotiates, facilitates and integrates an understanding of conflicting points of view.
- Develops regulations, educational materials, procedures, protocols, statutes, grant applications or

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budget proposals to support department goals and objectives of preserving and protecting the quality of the environment.

- Directs activities of other technical staff.
- Represents the Division/Department as a technical expert to elected officials, the media, federal, state or local agencies, public or private organizations or individuals; may serve as group leader for inter-departmental committees and work groups.
- May use complex statistical or mathematical modeling or analysis to quantify environmental impacts, predict outcomes of management decisions and recommend policy.
- May review complex permit applications, technical reports, or other submissions; prepares and submit permit applications or other work products to state and/or federal agencies.
- May work with Deputy Attorney General to prepare evidence and develop case strategy; testifies as an expert witness.
- May make recommendations for action on violations of complex permits or regulations; negotiates resolutions with affected party(ies); negotiates/resolves conflicting points of view in complex and/or controversial projects; develops enforcement strategy and policy documents.
- May participate in or make recommendations concerning the design, development, evaluation or modification of computer models or information systems to ensure accurate analyses and effective collection, coordination and assessment of environmental information.

Class Code: 77794 Environmental Scientist IV

This is the advanced level of environmental science work conducting complex applied research and program design.

- Receives minimal supervision from an administrative superior.
- Provides expert scientific direction, guidance and assistance to local, state, regional and federal agencies, industry and private sector organizations and individuals. Researches and recommends solutions to complex environmental quality issues requiring application of multidisciplines.
- Develops and evaluates complex applied research projects and programs to ensure the quality and best management practices for protecting and remediating the quality of air, coastline, soil, water, habitat and living resources.
- Interprets research findings for use in assessing environmental and ecological issues and the impact on public health/safety, economics and natural resource conservation.
- Plans and designs future projects and programs and legislative action; and, projects fiscal resources and requirements. Oversees implementation of complex studies, surveys and investigations.
- Writes articles and technical reports for presentation and publication within the scientific community; drafts regulations and legislation.
- Ensures the quality of subordinate staff work through review and edit.

Class Code: 77795 Environmental Scientist V

This level is responsible for pure research and program design associated with managing the quality of natural resources.

- Reports project plans, activities and results to a Division or, Deputy Division Director.
- Designs, directs development and recommends solutions to complex environmental quality issues requiring application of multi-disciplines.
- Interprets complex data to support implementation of previously untried methods and techniques.
- Provides expert technical direction, guidance and assistance to local, state, regional and federal agencies, industry and private sector organizations and individuals.
- Plans, develops and evaluates previously untried research projects and programs related to the

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quality and management of air, water, habitat and living resources to extend a body of knowledge for use in public health/safety and economic assessments.

KNOWLEDGE SKILLS AND ABILITIES for Environmental Scientist I-V:

The intent of the listed knowledge, skills and abilities is to give a general indication of the core requirements for all positions in the class series; therefore, the KSA's listed are not exhaustive or necessarily inclusive of the requirements of every position in the class.

- Knowledge of the principles and practices of the environmental sciences.
- Knowledge of controlled sampling techniques.
- Knowledge of the methods, techniques and procedures of data collection and compilation.
- Knowledge of the concepts of mathematics, chemistry, biology and physical science.
- Ability to conduct field studies, tests, surveys and investigations based on environmental science principles and practices.
- Ability to research and interpret regulations.
- Ability to work with electronic data processing methods.
- Ability to compile, analyze and interpret statistical data.
- Ability to apply federal and state environmental laws, rules, and regulations governing assigned program areas

In addition to the above knowledge, skills and abilities, the Environmental Scientist II requires:

- Knowledge of the methods, techniques and procedures of literary research, field investigation and data analysis.
- Knowledge of methods and techniques of technical report writing.
- Knowledge of federal and state laws, rules and regulations governing assigned program areas.
- Knowledge of statistical methods of data analysis.
- Skill in analyzing data and facts, drawing conclusions and recommending courses of action.
- Ability to mediate/facilitate groups, meetings and other public forums.

In addition to the above knowledge, skills and abilities, the Environmental Scientist III requires:

- Knowledge of the principles and practices of project leadership and project management.
- Knowledge of state and federal funding sources and budgetary cycles and procedures.
- Knowledge of emerging trends in environmental science and regulation.
- Skill in applying analytical methods including computer and statistical methods.
- Skill in the application of state and federal environmental laws, rules, and regulations and department and division goals and objectives.
- Skill in mediating and facilitating groups, meetings and other public forums.
- Skill in building interpersonal relationships with peers, customers, public and private sector and state/federal officials.
- Skill in designing and conducting research and investigations.
- Skill in developing recommended courses of action and expressing ideas clearly, concisely and effectively.

In addition to the above knowledge, skills and abilities, the Environmental Scientist IV requires:

- Knowledge of life science, physical science and inferential statistics.
- Knowledge of socioeconomic factors impacting environmental issues.
- Skill in planning, coordinating and interpreting technical issues.
- Skill in mediating diverse and conflicting priorities.
- Ability to design and recommend goals, programs and revised methods.

- Ability to project long-range factors impacting environmental quality.

In addition to the above knowledge, skills and abilities, the Environmental Scientist V requires:

- Knowledge of principles and practices governing pure research.
- Ability to design and implement previously untried programs and methods.

MINIMUM QUALIFICATIONS for Environmental Scientist I

Applicants must have education, training and/or experience demonstrating competence in each of the following areas:

1. Possession of a Bachelor's degree in one of the life, natural or physical sciences.
2. Knowledge of the methods and techniques used in assembling, analyzing and interpreting scientific or technical data, and the preparation of reports.
3. Knowledge of controlled sampling, monitoring and testing techniques.

MINIMUM QUALIFICATIONS for Environmental Scientist II

Applicants must have education, training and/or experience demonstrating competence in each of the following areas:

1. Possession of a Bachelor's degree in one of the life, natural or physical sciences.
2. Experience applying the methods and techniques used in assembling, analyzing and interpreting scientific or technical data, and the preparation of reports.
3. Knowledge of environmental laws, rules and regulations.
4. Knowledge of computers and computer information systems.

MINIMUM QUALIFICATIONS for Environmental Scientist III

Applicants must have education, training and/or experience demonstrating competence in each of the following areas:

1. Possession of a Bachelor's degree in one of the life, natural or physical sciences.
2. Experience analyzing data.
3. Experience in environmental/natural resources program or project management.
4. Experience interpreting and applying environmental laws, rules and regulations.
5. Experience with computers and computer information systems.

MINIMUM QUALIFICATIONS for Environmental Scientist IV

Applicants must have education, training and/or experience demonstrating competence in each of the following areas:

1. Possession of either a Master's Degree in an environmentally related scientific discipline.

OR

Bachelor's degree in an environmentally related scientific discipline AND current professional certification at the highest level by one of the following organizations:

American Fisheries Society

American Registry of Certified Professionals in Agronomy, Crops, and Soils Certified

Hazardous Materials Manager

Ecological Society of America

Entomological Society of America

National Association of Environmental Professionals

Professional Geologist

Professional Engineer
Qualified Environmental Professional
Society of Wetland Scientists
Wildlife Society
Association of State Floodplain Managers

2. Scientific prominence or recognition with publication in a scientific or trade journal.
3. Experience in the interpretation and application of state and federal environmental laws, rules, regulations, policies and procedures.
4. Experience with scientific data interpretation and analysis.
5. Experience in environmental/natural resources program or project management.

MINIMUM QUALIFICATIONS for Environmental Scientist V

Applicants must have education, training and/or experience demonstrating competence in each of the following areas:

1. Possession of a doctorate degree in an environmentally related scientific discipline.
2. National scientific prominence or recognition with publication in a scientific or trade journal.
3. Experience with the interpretation and application of state and federal environmental laws, rules, regulations, policies and procedures.
4. Experience in environmental/natural resources program or project management.

Environmental Scientist I

Class Established: 7/81

Latest Revision: 7/00

Min. Quals.: 9/91

Environmental Scientist II

Class Established: 7/81

Latest Revision: 7/00

Environmental Scientist III

Class Established: 7/81

Latest Revision: 7/00

Min Quals: 9/91

Environmental Scientist IV

Class Established: 7/81

Latest Revision: 7/91

Min. Quals. Revised: 5/98

Environmental Scientist V

Class Established: 7/91

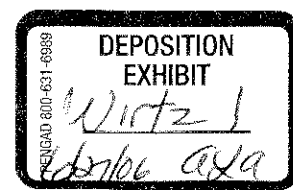
Min. Quals.: 9/91

Breslin v. State of DE/Department of Natural Resources
Case No: 0210667/17CA300024
RE: April 2, 2004 Request for Additional Information
Date: April 26, 2004

	Ann Breslin	Lawrence Jones III	Qazi Salahuddin	Keith Robertson
Hire Date	11/1/94 (Environmental Scientist II – Full-Time, Merit) 1/18/94 Seasonal	4/1/87 (Environmental Scientist I – Full-Time, Merit)	1/18/00 (Environmental Scientist II – Full-Time, Merit)	2/1/94 (Environmental Scientist II – Full-Time, Merit)
Starting Salary	\$22,998	\$17,748	\$26,055	\$22,998
January, 2002 Salary	\$38,390	\$45,790.605	\$43,189.146	\$43,100.253
December, 2002 Salary	\$39,158.575	\$46,706.417	\$44,052.929	\$43,962.258

Ann Breslin's Specific Job Duties from Performance Plan:

- Ensure compliance with the rules and regulations. Guidelines and policies for the investigation and cleanup of sites and other Division/Department policies and procedures
- Prepare reports, proposed plans, final plans, correspondence and other documents in a thorough, clear and accurate manner with little or no supervision
- Originate verbal and written responses to project documents in a thorough, accurate and timely manner with little or no supervision
- Complete cost recovery activities controlled by the project manager in a timely manner with little or no supervision. Complete timesheets, weekly notes, quarterly reports and other tracking documents properly in a timely manner. Ensure site files are properly maintained
- Interact with PRP's, consultants, contractors, general public and other agencies in a professional and courteous manner
- Prepare written comments for document review thoroughly and accurately and in a timely manner with little or no supervision. Represent the Branch as TAG representative at site meetings when requested by the Program Manager
- Interact with co-workers in a professional and courteous manner
- Perform fieldwork (i.e. oversight of site investigations and/or remedial actions or conducts field samplings)
- Maintain effort to keep contact with the latest developments in the areas of site investigation and remediation
- Perform environmental science related activities as requested by the Program Manager. Such activities include but are not limited to:



- Utilize advanced and innovative scientific methods in the application of technical disciplines (i.e. chemistry, biology, geology and engineering) as they relate to the investigation and remediation of hazardous waste sites
 - Design conduct and/or direct environmental projects in the investigation of contaminant fate and transport, the assessment of ecological and human health impacts and the selection of remedial measures
 - Synthesize available data (both scientific and engineering recommendations) and recommend an appropriate action to branch management. Direct and control implementation of those decisions and actions at all times during the management of projects to attain the Department's Mission
- Ensure the following administrative tasks are completed regularly by staff according to the schedule laid out:
 - Timesheets – within 5 working days of the pay period ending
 - End of the month sick/vacation report by the 5th of every month
 - Weekly notes by 12:00 noon every Monday
 - Site Status Database – update the Site History & Activities this month/next month by the 5th of each month
- Act as Branch Representative to the Chesapeake Whole Basin Committee

Ann Breslin's experience with the Superfund Branch (now SIRB – Site Investigation and Restoration Branch) – Ms. Breslin began her employment with SIRB as a seasonal on 1/18/94. She began her employment as a full-time, merit employee on 11/1/94 and resigned effective 2/22/03. This equates to nine years and one month (including the seasonal time).

Lawrence Jones' Specific Job Duties from Performance Plan:

- Ensures implementation with the rules and regulations, guidelines and policies for the investigation and cleanup of sites and other Division/Department policies and procedures
- Prepare reports, proposed plans, final plans, correspondence and other documents in a thorough, clear and accurate manner with little or no supervision
- Originate verbal and written responses to project documents in a thorough, accurate and timely manner with little or no supervision
- Complete cost recovery activities controlled by the project manager in a timely manner with little or no supervision. Complete timesheets, weekly notes, quarterly reports and other tracking documents properly in a timely manner. Ensure site files are properly maintained
- Interact with PRP's, consultants, contractors, general public and other agencies in a professional and courteous manner
- Prepare written comments for document review thoroughly and accurately and in a timely manner with little or no supervision. Represent the Branch as TAG representative at site meetings when requested by the Program Manager
- Interact with co-workers in a professional and courteous manner

- Perform fieldwork (i.e. oversight of site investigations and/or remedial actions or conducts field samplings
- Maintain effort to keep current with the latest developments in the areas of site investigation and remediation
- Perform environmental science related activities as requested by the Program Manager. Such activities include but are not limited to:
 - Utilize advanced and innovative scientific methods in the application of technical disciplines (i.e. chemistry, biology, geology and engineering) as they relate to the investigation and remediation of hazardous waste sites
 - Design conduct and/or direct environmental projects in the investigation of contaminant fate and transport, the assessment of ecological and human health impacts and the selection of remedial measures
 - Synthesize available data (both scientific and engineering recommendations) and recommend an appropriate action to branch management. Direct and control implementation of those decisions and actions at all times during the management of projects to attain the Department's Mission
- Performs toxicological evaluations/baseline risk assessments for PA/SI group site assessments as assigned by the Program Manager in accordance with regulations, branch policy and department policy as required.

Lawrence Jones' experience with the Superfund Branch (SIRB) – Mr. Jones transferred to SIRB on 9/1/93. From 9/1/93 to 2/22/03 (the effective date of Ms. Breslin's resignation), Mr. Jones had nine years and five months of experience with SIRB.

Qazi Salahuddin's Specific Job Duties from Performance Plan:

- Ensures implementation with the rules and regulations, guidelines and policies for the investigation and cleanup of sites and other Division/Department policies and procedures
- Prepare technical reports, proposed plans, final plans, correspondence and other documents in a thorough, clear and accurate manner with little input from supervisor
- Originate verbal and written responses to project documents in a thorough, accurate and timely manner with little input from supervisor
- Interact with PRP's, consultants, contractors, general public and other agencies in a professional and courteous manner when assessing environmental conditions at a site, and making recommendations as to what permits may be necessary to implement clean-up activities at a site
- Organizes and conducts educational meetings for the public, consultants, or other regulatory agencies as needed concerning assigned projects as needed
- Prepare written comments for document review thoroughly and accurately and in a timely manner with little supervision from supervisor. Represent the Branch as TAG representative at site meetings and provides Geologic technical support when requested by other Program Managers

- Interact with co-workers in a professional and courteous manner. Provides guidance and training to lower level staff as needed
- Performs field oversight of site investigations and/or remedial actions by outside consultants and conducts field sampling and well installation activities at SIRB – lead site investigations
- Complete cost recovery activities such as, but not limited to, timesheets, weekly notes, quarterly reports and other tracking documents controlled by the project manager in a timely manner with little or no supervision. Ensures site files are properly maintained
- Maintain effort to keep current with the latest developments in the areas of site investigation and remediation
- Performs environmental science related activities as requested by the Program Manager. Such activities include but are not limited to:
 - Assist in establishing groundwater management zones as required
 - Participation on the EQuIS Implementation Team
 - Participation in ITRC and ASTSWMO Workgroups
- Utilize advanced and innovative scientific methods in the application of technical disciplines (i.e. chemistry, biology, geology and engineering) as they relate to the investigation and remediation of hazardous waste sites
- Design conduct and/or direct environmental projects in the investigation of contaminant fate and transport, the assessment of ecological and human health impacts and the selection of remedial measures
- Synthesize available data (both scientific and engineering recommendations) and recommend an appropriate action to branch management. Direct and control implementation of those decisions and actions at all times during the management of projects to attain the Department's Mission
- Participate on Branch level quality teams as necessary to result in quality improvements of branch operations

Qazi Salahuddin's experience with the Superfund Branch (SIRB) - Mr. Salahuddin began his employment with SIRB on 1/18/00. From 1/18/00 to 2/22/03 (the effective date of Ms. Breslin's resignation), Mr. Salahuddin had three years and one month of experience with SIRB.

Keith Robertson's Specific Job Duties from Performance Plan:

- Ensures implementation with the rules and regulations, guidelines and policies for the investigation and cleanup of sites and other Division/Department policies and procedures
- Prepare technical reports, proposed plans, final plans, correspondence and other documents in a thorough, clear and accurate manner with little input from supervisor
- Originate verbal and written responses to project documents in a thorough, accurate and timely manner with little input from supervisor
- Interact with PRP's, consultants, contractors, general public and other agencies in a professional and courteous manner when assessing environmental conditions at

a site, and making recommendations as to what permits may be necessary to implement clean-up activities at a site

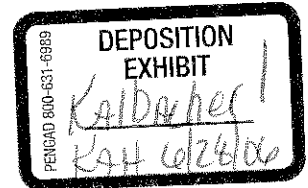
- Organizes and conducts educational meetings for the public, consultants, or other regulatory agencies as needed concerning assigned projects as needed
- Prepare written comments for document review thoroughly and accurately and in a timely manner with little supervision from supervisor. Represent the Branch as TAG representative at site meetings and provides Geologic technical support when requested by other Program Managers
- Interact with co-workers in a professional and courteous manner. Provides guidance and training to lower level staff as needed
- Performs field oversight of site investigations and/or remedial actions by outside consultants and conducts field sampling and well installation activities at SIRB – lead site investigations
- Complete cost recovery activities such as, but not limited to, timesheets, weekly notes, quarterly reports and other tracking documents controlled by the project manager in a timely manner with little or no supervision. Ensures site files are properly maintained
- Maintain effort to keep current with the latest developments in the areas of site investigation and remediation
- Performs environmental science related activities as requested by the Program Manager. Such activities include but are not limited to:
 - Assist in establishing groundwater management zones as required
 - Participation on the EQUIS Implementation Team
 - Participation in the Strategic Planning Subcommittee within the SIRB Quality Assessment
 - Utilize advanced and innovative scientific methods in the application of technical disciplines (i.e. chemistry, biology, geology and engineering) as they relate to the investigation and remediation of hazardous waste sites
 - Design conduct and/or direct environmental projects in the investigation of contaminant fate and transport, the assessment of ecological and human health impacts and the selection of remedial measures
 - Synthesize available data (both scientific and engineering recommendations) and recommend an appropriate action to branch management. Direct and control implementation of those decisions and actions at all times during the management of projects to attain the Department's Mission
 - Participate on Branch level quality teams as necessary to result in quality improvements of branch operations

Keith Robertson's experience with the Superfund Branch (SIRB) - Mr. Robertson began his employment with SIRB on 2/1/94. From 2/1/94 to 2/22/03 (the effective date of Ms. Breslin's resignation), Mr. Robertson had nine years of experience with SIRB.



DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
SITE INVESTIGATION & RESTORATION BRANCH

MEMORANDUM



TO: Sharon M. Tazelaar, Personnel Office

VIA: Nicholas A. Di Pasquale, Director
Leilani M. Wall, Personnel Liaison
N. V. Raman, Manager

FROM: Karl F. Kalbacher, Program Manager

RE: Request for Advance Promotion for Competitive Hire of
Ann L. Breslin

DATE: November 13, 1996

Background

Ann Breslin (Position # 60827) has been selected via competitive interview process for an Environmental Scientist III (ES III).

Salary Request

Approval is requested for a salary of 91.8% of midpoint at the ES III pay grade for Ann Breslin. This will be a salary of $\$36,147.00 \times .918 = \$33,182.94$ per year using the FY 96 payscale. Her salary is funded from the Federal Pre-Remedial Support Agency Cooperative Agreements.

Justification

Ann Breslin has earned a Master of Science degree in Geo-Environmental Studies and a Bachelor of Arts degree in Biology/Environmental Science. Ann Breslin has worked in the Site Investigation and Restoration Branch (SIRB) since January 1, 1994. Therefore, she has 2.916 years of scientist experience with the SIRB. In addition to her 2.916 years of environmental scientist experience with the SIRB, Ann Breslin has 2.243 years of related experience:

- .583 years - Chesapeake Bay Foundation - Wetland Scientist
- 1.66 years - Houghtin College - Laboratory Assistant

Ann Breslin has proven that she can successfully perform at the ES III level and is currently handling an intensive workload at full ES III responsibility level. She has demonstrated excellent project management and organization skills in managing her assigned Superfund Sites.

Ann's 7 months work experience at the Chesapeake Bay Foundation as a Wetlands Scientist is directly applicable to the work performed at the SIRB. Ann performed wetlands delineation research projects which included field research and an overview of the wetlands permitting process in Pennsylvania. Emphasis was directed towards discovering if the net loss of wetlands was comparable to net gains during wetland mitigation/reconstruction.

Sharon M. Tazelaar

November 13, 1996

Page 2

Ann also worked for 1.66 years as a Laboratory Assistant. Her duties included teaching field and laboratory sessions, tutoring, cataloguing and preparing a herbarium of present and historic flora for the College archives and assisting in research projects.

Ann's knowledge of the principles and practices of the life, natural and/or physical sciences have been utilized daily for the last 5.159 years of employment.

Ann's ability to communicate effectively both orally and in writing has been demonstrated by the SIRB work experience through written technical reports and her rapport with consultants, clients, and regulatory agencies.

Accordingly, her professional and technical skill should be considered fully adequate and relevant, far beyond the entry level, to the requirements of the ES III for which she has been recommended.

Salary Comparison

The following is a salary comparison with other ES III positions in the Division of Air and Waste Management:

Position Number	Service Date	Current Salary (\$)
8288	010188	35409.12
8298	121878	34137.12
8302	011686	38689.92
8355	102189	33483.12
56690	031387	34137.12
57071	040187	35577.12
58597	121385	41076.96
58681	090983	43374.96
58682	030194	33429.12
58684	010193	38689.92
58685	030289	40734.00
59363	011687	40744.08
59381	061990	38466.96
59382	092485	38890.09
59712	060187	35657.04
60827	020189	35515.92
61677	091683	35580.00
61801	020189	38466.96
62650	061690	38466.96
63224	040193	39030.00
63455	012591	37927.92
64355	071692	33286.08
64885	071681	43374.96
64888	040193	35693.04

Sharon M. Tazelaar

November 13, 1996

Page 3

Recommendation

Ann Breslin is strongly recommended, without reservation for a salary of 91.8% of midpoint for the ES III paygrade for which she has been recommended via the competitive interview process.

Request approved by: _____ at _____% of midpoint.

KFK:slb

KFK96146.mem

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
SITE INVESTIGATION & RESTORATION BRANCH

MEMORANDUM

TO: Sharon M. Tazelaar, Personnel Office

FROM: Karl F. Kalbacher, Program Manager *KFK, 12/10/96*

RE: Ann Breslin Advance Hire Request, Supplemental Information

DATE: December 10, 1996

Attached for your review is supplementary information for the Advanced Hire Request for Ann Breslin. The enclosed EPPA covers the period from January 1, 1995 to December 31, 1995. This EPPA reflects a work load equivalent to an Environmental Scientist III. In addition, I have provided Ann's Performance Plan for 1996, which again reflects a workload equivalent to all Environmental Scientists III's in the Site Investigation & Restoration Branch.

The attached letter is from the Chesapeake Bay Foundation. This letter reflects that Ann Breslin was employed at the Foundation and performed Environmental Scientist III level work.

Please utilize the above information in conjunction with the information previously submitted to make a determination on the Advanced Hire Request for Ann Breslin.

Thank you for your consideration in this matter.

KFK:slb
KFK96160.doc

STATE OF DELAWARE
EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT A

Evaluation Period: From January 1, 1995 To December 31, 1995
mo./day/yr. mo./day/yr.

SECTION 1 - EMPLOYEE IDENTIFICATION (Print or type)

Name Breslin, Ann L. Social Security No. 591-07-8999
(Last, First, MI)

Classification Environmental Scientist II
(Class Title)

(Class Code)(Assignment, if applicable)

☒ Full time ☐ Part-time
(Employment Status - check one)

Department/Division/Section (Facility) 40 09 003

(Agency Number)

Supervisor/Rater Kalbacher, Karl F.
(Name - Last, First, MI)

Program Manager I
(Class Title)

SECTION 2 - PERFORMANCE PLANNING (To be signed when SECTION 1 is completed)

We have met to discuss the Job Dimensions and related responsibilities (required tasks, actions and expected results) indicated in SECTION 6. This Performance Plan is the basis upon which job performance will be appraised and rated. The employee has had an opportunity to submit and discuss proposed responsibilities for consideration in the Performance Plan.

Rater Karl Kalbacher 10/1/95
(Signature) (Date)

Reviewer Reed 10/1/95
(Signature) (Date)

Employee Ann L. Breslin 10/1/95
(Signature) (Date)

☐ I have included written comments concerning the Performance Plan (optional on the part of the employee).

SECTION 3 - PERFORMANCE APPRAISAL

FINAL SCORE: 2.540 ÷ 450 = 5.64
(Total Raw Score) (Total Weight) (Final Score)

FINAL SCORES

When the Final Score calculation is completed, the Final Score will fall in the range of 1.00 thru 7.00.

- 7.00 Performance consistently exceeds expectations. Employee is acknowledged for exceptional effort.
- 5.00 Performance meets expectations. Employee's performance is fully competent and reliable.
- 3.00 Performance may meet some expectations but, in general, improvement is required.
- 1.00 Performance is completely unacceptable. Immediate change in performance is required.

I have met with the employee to discuss the employee's performance during the rating period and to develop a plan for improved performance, if necessary.

Rater Karl Kalbacher 1/23/95
(Signature) (Date)

I have had an opportunity to complete the self appraisal. My supervisor and I have discussed this appraisal.

☒ I agree with this appraisal.
☐ I disagree with this appraisal.

Employee Ann L. Breslin 1/23/95
(Signature) (Date)

SECTION 4 - RECOMMENDED PERSONNEL ACTIONS

In accordance with State Merit Rules and/or applicable collective bargaining agreements.

COMPULSORY REEVALUATION:

- ☐ Reevaluation required
- ☐ Successful improvement, no further action required
- ☐ Dismiss

Other:

- ☐ No action required at this time
- ☐ Other

PROBATION:

- ☐ Change status to permanent
- ☐ Return to former or other available position for which qualified
- ☐ Extend probation, then reevaluate
- ☐ Dismiss

Date of Next Scheduled Appraisal: _____
mo./yr.

SECTION 5 - REVIEW

I have reviewed this completed employee performance appraisal.

Personnel Officer:

PURPOSE OF APPRAISAL

Reviewer _____
(Signature) (Date)

(Initials) (Date)

- ☐ Probationary Appraisal
- ☐ Annual or Semi-Annual Appraisal
- ☐ Compulsory Reevaluation
- ☐ Change of Supervision
- ☐ Exit Appraisal
- ☐ Other

B-0019

Document No. 10-14/18/12/16

EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT B

EMPLOYEE: Ann L. Breslin

Classification: Env. Scientist II

Date: January 1, 1995

SECTION 6 - PERFORMANCE PLAN - Describe and weight Job Dimensions, chosen from the Job Dimensions Menu		SECTION 7 - APPRAISAL					SECTION 8 - COMMENTS - Appraisal rating of 1, 2, 3, 6 or 7 require written comments. IMPROVEMENT PLAN - Appraisal ratings of 1, 2, or 3 require an Improvement Plan.	
WEIGHT	JOB DIMENSION	SELF	RATER	FINAL	WEIGHT	RAW SCORE	COMMENTS - Rater Comments:	
50	Assessment	5	5	5	X	50	250	<p>Employee Comments: I will improve in this area (as in all others) with time!</p> <p>IMPROVEMENT PLAN -</p>
<ul style="list-style-type: none"> Discuss information gathered through site characterization to render technical judgements for determining appropriate course of action. Establish project goals, implement processes, measure progress, record results and recommend corrective actions when necessary. Accurately interprets and applies relevant environmental laws, rules and regulations. Work towards improving the quality of the work and the work process. 								
50	Investigation/Research	6	6	6	X	50	300	<p>COMMENTS - Rater Comments: Ann has done a good job writing PA/SI reports. The PA's require that considerable research be conducted.</p> <p>Employee Comments:</p> <p>IMPROVEMENT PLAN -</p>
<ul style="list-style-type: none"> Conduct thorough investigation/research for site characterization and risk assessment. Coordinates/Oversee the collection, compilation, analysis and interpretation of data from samples, literary sources, and statistical reports. 								
40	Interpersonal Interactions	6	6	6	X	40	240	<p>COMMENTS - Rater Comments: Ann works effectively with Branch staff to coordinate workload activities. Ann is a good listener.</p> <p>Employee Comments: Karl has helped to bolster my confidence by giving constant positive and corrective feedback.</p> <p>IMPROVEMENT PLAN -</p>
<ul style="list-style-type: none"> Maintain a professional, competent and courteous attitude when dealing with co-workers within the Branch, Department, other agencies, and/or public. Employee coordinates, participates and cooperates in team efforts. Displays confidence while interacting with other state and private agencies 								
140	TOTAL WEIGHT (this page)						TOTAL RAW SCORE (this page)	790

B-0020

EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT B

EMPLOYEE: Ann L. Breslin — Classification: Env. Scientist II

Date: January 1, 1995

SECTION 6 - PERFORMANCE PLAN - Describe and weight Job Dimensions, chosen from the Job Dimensions Menu		SECTION 7 - APPRAISAL				SECTION 8 - COMMENTS - Appraisal rating of 1,2,3,6 or 7 require written comments. IMPROVEMENT PLAN - Appraisal ratings of 1,2, or 3 require an Improvement Plan.	
WEIGHT	JOB DIMENSION	SELF	RATER	FINAL	WEIGHT	RAW SCORE	COMMENTS - Rater Comments:
40	Planning	5	5	5	X	40	Employee Comments: With only a few investigations completed. I am pleased with my progress.
<ul style="list-style-type: none"> Develop plans for successfully implementing site investigations. Direct/Manage all phases of Superfund projects in a cost effective and efficient manner. Complete projects in a timely manner in keeping with established schedules. 							
40	Technical Skills	5	5	5	X	40	COMMENTS - Rater Comments: Employee Comments: IMPROVEMENT PLAN -
<ul style="list-style-type: none"> Follow established scientific investigative procedures when performing site investigations or research related to Superfund sites. Keep abreast of technical advancements in the field of environmental investigation/remediation. Review and comment on relevant draft regulations, grant applications, guidance documents and laws. Effectively utilize computers and computer information systems. 							
40	Workload Completion	5	5	5	X	40	COMMENTS - Rater Comments: Ann is very aware of meeting project deadlines. Employee Comments: IMPROVEMENT PLAN -
<ul style="list-style-type: none"> Produce clear, accurate technical reports that convey appropriate assessments and/or recommendations. Ensure that assignments are completed in a timely and effective manner. Manage multiple workload completion priorities. 							
120	TOTAL WEIGHT (this page)					TOTAL RAW SCORE (this page)	
						600	

B-0021

EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT B

EMPLOYEE: Ann L. Breslin Classification: Env. Scientist II Date: January 1, 1995

SECTION 6 - PERFORMANCE PLAN - Describe and weight Job Dimensions, chosen from the Job Dimensions Menu		SECTION 7 - APPRAISAL				
WEIGHT	JOB DIMENSION	SELF	RATER	FINAL	WEIGHT	RAW SCORE
40	Written Communications	6	6	6	X 40	200

- Communicate facts, ideas and concepts effectively through written technical reports and other correspondence.
- Prepare written correspondence for both internal and external communication.

SECTION 8 - COMMENTS - Appraisal rating of 1, 2, 3, 6 or 7 require written comments.
IMPROVEMENT PLAN - Appraisal ratings of 1, 2, or 3 require an Improvement Plan.

COMMENTS - Rater Comments:

Employee Comments:

WEIGHT	JOB DIMENSION	5	5	5	X 30	150
30	Compliance					

- Comply with general administration procedures and follow procedures established for site characterization and assessment.

COMMENTS - Rater Comments:

Employee Comments:

IMPROVEMENT PLAN -

WEIGHT	JOB DIMENSION	6	6	6	X 30	180
30	Coordination					

- Insure that the group stays current on EPA-CLP and DNREC site sampling requirements and paperwork.
- Take lead role in planning efficient/effective field sampling activities.

COMMENTS - Rater Comments:

Employee Comments:

IMPROVEMENT PLAN -

100	TOTAL WEIGHT (this page)	530	TOTAL RAW SCORE (this page)
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EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT B

EMPLOYEE: Ann L. Breslin — Classification: Env. Scientist II — Date: January 1, 1995

SECTION 6 - PERFORMANCE PLAN - Describe and weight Job Dimensions, chosen from the Job Dimensions Menu		SECTION 7 - APPRAISAL					RAW SCORE
WEIGHT	JOB DIMENSION	SELF	RATER	FINAL	WEIGHT		
30	JOB DIMENSION Development of Others	6	6	6	X	30	180
<ul style="list-style-type: none"> Continue to provide guidance to newer members of the group regarding utilization of information resources and sampling activities. 							
20	JOB DIMENSION Agency/Unit/Program Representation	6	6	6	X	20	120
<ul style="list-style-type: none"> Employee must represent the Branch and Department when dealing with EPA contacts, and with PRPs, and the public while in the field conducting site inspection activities. Employee can be depended on to present, represent, and advocate the Branch and Department, its positions and programs adequately, appropriately and effectively. 							
20	JOB DIMENSION Safety	5	5	5	X	20	100
<ul style="list-style-type: none"> Recognize and evaluate the potential chemical and physical hazard risks in field operations. Utilize the proper use of personnel protective equipment such as respiratory and protective clothing. Follow proper operating safety guidelines to ensure safe and effective field operations. 							
70	TOTAL WEIGHT (this page)	TOTAL RAW SCORE (this page)					400

SECTION 8 - COMMENTS - Appraisal rating of 1,2,3,6 or 7 require written comments.	IMPROVEMENT PLAN - Appraisal ratings of 1,2, or 3 require an Improvement Plan.
COMMENTS - Rater Comments: Ann did a super job working with new staff on PA/SI Projects.	Employee Comments:
IMPROVEMENT PLAN -	
COMMENTS - Rater Comments: Ann communicates effectively with the public on sites assigned. Ann is very courteous when dealing with the public.	Employee Comments:
IMPROVEMENT PLAN -	
COMMENTS - Rater Comments:	Employee Comments:
IMPROVEMENT PLAN -	

B-0023

EMPLOYEE PERFORMANCE PLANNING AND APPRAISAL - EPPA - DOCUMENT B

EMPLOYEE: Ann L. Breslin
Classification: Env. Scientist II
Date: January 1, 1995

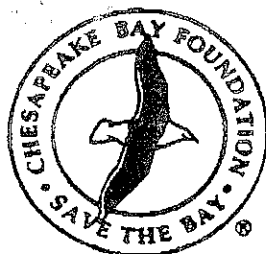
SECTION 6 - PERFORMANCE PLAN - Describe and weight Job Dimensions. Chosen from the Job Dimensions Menu		SECTION 7 - APPRAISAL					SECTION 8 - COMMENTS - Appraisal ratings of 1,2,3,6 or 7 require written comments. IMPROVEMENT PLAN - Appraisal ratings of 1,2, or 3 require an Improvement Plan.	
WEIGHT	JOB DIMENSION	SELF	RATER	FINAL	WEIGHT	RAW SCORE	COMMENTS - Rater Comments: Employee Comments: IMPROVEMENT PLAN -	
20	Verbal Communications	6	6	6	X	20		120
<ul style="list-style-type: none"> Utilize effective verbal communication skills with co-workers, public, and other agencies. Convey technical information to upper management in a sufficient and precise manner. Work towards improving communications between sections, agencies and other individuals and organizations relevant to the performance of assigned duties. 								COMMENTS - Rater Comments: Employee Comments: IMPROVEMENT PLAN -
5	Job Control	5	5	5	X	20	100	
<ul style="list-style-type: none"> Develop and use systematic, efficient and effective methods for keeping accurate and complete track of all activities that she is responsible for. Keep track of project schedules and project progress. 								COMMENTS - Rater Comments: Employee Comments: IMPROVEMENT PLAN -
20	TOTAL WEIGHT (this page)	TOTAL RAW SCORE (this page)					220	

B-0024

12/02/1996 11:54

7172349632

CHESAPEAKE BAY FDN



Chesapeake Bay Foundation®

Environmental Defense - Environmental Education - Land Conservation

214 State Street • Harrisburg, Pennsylvania 17101
(717) 234-5550 Fax (717) 234-9632

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H. F. (Gerry) Lanfear
M. Lee Marston
M. Tumeay McKnight
Katherine Turner Means

Ann Bruce
725 Mill Creek Ln
Bear, DE 19201

November 25, 1996

Dear Ann:

Thank you for your request to revisit your internship here at CBF. Even though it was several years ago, you still rank on top as the best intern with which I have worked. Here is a list, as I recall, of some of your responsibilities:

- Constructing and maintaining a database listing information on all wetland permits that were proposed in 1991.
- Working with our MD wetland scientist in developing a datasheet to use in all the permit reviews done here and in the other states.
- Composing the data review requests to send to the PA Department of Environmental Resources, and scheduling the file review times with DER staff. This took the majority of the time, since DER only pulled a limited number of files for each review, and we looked at all the wetland encroachment files for the calendar year 1991.
- Review the data in the files and gleening from the files the answers to the questions on the CBF review sheet.
- Entering the data in the database.
- Following through the process with requests for files that were not found the first time they were requested.
- Traveling to the Army Corps of Engineers office in Baltimore to review wetland permits submitted to the COE.

The tasks that were assigned to you required a high attention to detail, yet you maintained a high level of interest and devotion to the job. After reviewing your work closely at the beginning, I was very comfortable in allowing you the independence to make judgment calls in answering the questions on the CBF review sheet. It was the answer to these questions that became the basis of a regional review of wetland permitting programs.

I hope this is what you needed. Please give me a call if you need more information.

Sincerely,

Barbara L. Kooser
Barbara L. Kooser, Environmental Scientist



Headquarters: 162 Prince George Street • Annapolis, Maryland 21401 • (410) 268-8816
Virginia Office: Heritage Building • 1001 E. Main Street • Richmond, Virginia 23219 • (804) 780-1392
Maryland Office: 164 Conduit Street • Annapolis, Maryland 21401 • (410) 268-8833

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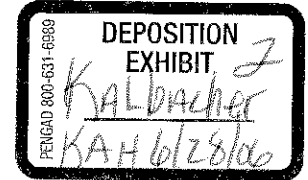
B-0025

QUICK FAX SM OfficeMax	
Date: 12-2-96	Page: 1
To: Ann Bruce	From: Barb Kooser
Co./Dept:	Co./Dept:
Fax:	Fax:
Phone:	Phone:
E-Mail:	E-Mail:
Note: call if you need.	



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF AIR AND WASTE MANAGEMENT
715 GRANTHAM LANE
NEW CASTLE, DELAWARE 19720-4801

WASTE MANAGEMENT SECTION
SITE INVESTIGATION &
RESTORATION BRANCH



TELEPHONE: (302) 323-4540
FAX: (302) 323-4561

January 9, 1997

Ann L. Breslin
725 Mill Creek Lane
Bear, DE 19701

Dear Ms. Breslin:

We are pleased to offer you the position of Environmental Scientist III for the Department of Natural Resources & Environmental Control, Division of Air & Waste Management, Site Investigation & Restoration Branch in the New Castle Office, effective November 16, 1996. November 16, 1996 is a retroactive date for the start of employment as an ES III. This date is based upon the first instance that you verbally agreed to accept the position pending a request for advanced salary. The salary advance request was pursued during November through January 8, 1997. However, it was denied by DNREC. The salary for this position is \$ 29,496 per year.

If you accept this position, please confirm by signing on the line provided below and return the original to the New Castle Office as soon as possible. A copy of this letter will be given to you for your records.

Sincerely,

Karl F. Kalbacher
Program Manager
Site Investigation & Restoration Branch

KFK:slb
KFK97014.doc

NAME

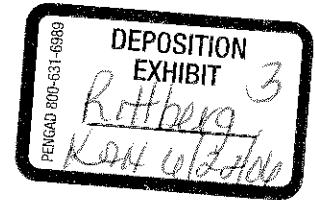
DATE

B-0026

Delaware's good nature depends on you!

Ann Breslin requested an advanced salary when she was promoted (through career ladder to Environmental Scientist III in November of 1996. At that time, the department's procedure/practice was to consider experience at the Environmental Scientist III level to justify an advanced salary. There is no indication in her file that she had any prior experience at the ES III level. She was hired as a seasonal Environmental Scientist I in January of 1994. Her experience prior to DNREC was not at the ES III level (Veterinary Assistant, Community Relations Graduate Assistant, Intern, and Veterinary Assistant/Receptionist). Ann was hired as an Environmental Scientist II in November of 1994. It appears that due to the fact that she had no experience at the Environmental Scientist III level, her request for an advanced salary was denied.

Keith Robertson was hired as an Environmental Scientist II in February of 1994. At that time, he did not receive an advanced salary. Mr. Robertson was promoted to Environmental Scientist III in January of 1996. However, at the time that Mr. Robertson applied for a career ladder promotion, the Department had placed a hold on all career ladder promotions. His promotion was not approved until October of 1996. There is a memo in his file that requests an advanced salary due to the fact that he had been fully working at the ES III level since January of 1996. Mr. Robertson also had prior experience as a Geoarchaeologist and Coastal Geologist that may have been considered at that time. His experience date from a Salary Analysis in our archives lists October, 1992 as his experience date.



February 11, 2003

E. Alex Rittberg, Program Manager
DNREC Site Investigation and Restoration Branch
391 Lukens Drive
New Castle, DE 19720

Dear Alex,

Please consider this as notification of my resignation from my position as an Environmental Scientist III, effective February 24, 2003.

Although I have enjoyed working with you, I have decided to pursue employment with the United States Environmental Protection Agency Region III in Philadelphia, PA. As you are well aware, the compensation provided by DNREC has not managed in any way to keep pace with my growing responsibilities within DNREC. It is a fact that after 6 years of full performance as an Environmental Scientist III, I continue to be compensated in the same manner as a new employee. In addition, my salary remains far lower than my counterparts within SIRB. This fact has become completely unacceptable to me and I must move into an employment situation in which I will be fairly and equitably compensated.

Thank you for all your help in this and other matters and for your many personal kindnesses.

Sincerely,

Ann L Breslin

pc: Roy S. Shiels, Esq., Brown, Shiels, Beauregard & Chasanov
Julie Cutler, Department of Labor, Office of Labor Law Enforcement



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY
P.O. BOX 1401
DOVER, DELAWARE 19903

OFFICE OF THE
SECRETARY

OCT 9 11 18 AM '96

RECEIVED
STATE PERSONNEL
DOVER

TELEPHONE: (302) 739-4403
FAX: (302) 739-6242

TO: Harriet N. Smith, Ed.D.
Director, State Personnel

FROM: Christophe A. G. Tilden

SUBJECT: Advanced Promotion

DATE: October 09, 1996

This is to request approval for an advanced promotion for an Environmental Scientist III (Position Number 62830, Paygrade 13, NSF), Division of Air and Waste Management, Waste Management Section. The request is for 92 percent of midpoint or \$33,255 and the funds are available. The candidate is Keith Robertson. Our department placed all Career Ladder packages on hold while the promotional standards were being reviewed. Because of the lengthy review process, the board was reconvened, resulting in this request for a retroactive effective date of January 16, 1996.

As evidenced in the attached salary analysis, Mr. Robertson possesses a Bachelor of Science degree in geology and a Master's degree in marine geology. He also possesses 4 years and 5 months of applicable experience. Mr. Robertson has proven that he is a valuable, technically sound employee. The requested salary of 92 percent does create a slight disparity between Mr. Robertson and Ms. Zietlow. However, given that the disparity between the two is relatively small and no other equity issues arose in our analysis, we can support this request since Mr. Robertson is considered to have been working at the full performance level for an Environmental Scientist III since January of 1996.

If you have any questions, please call Sharon Tazelaar at 739-5823. Thank you for your consideration of our request.

CT:LF:mat
Attachment

DNREC Docs
Breslin v. DNREC
0201

Harriet N. Smith 10/16/96

Approved

Date Disapproved

Date

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
SITE INVESTIGATION & RESTORATION BRANCH

MEMORANDUM

TO: Human Resources Office

VIA: William Hill, Acting Director
Leilani Wall, Administrative Assistant
Christina Wirtz, Program Manager

FROM: Paul W. Will, Program Manager

RE: Advanced Hire Request for Ann L. Breslin

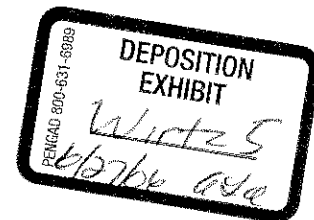
DATE: May 17, 2001

JANET CONNERY, FAO

5/25/01

5/25/01

5/25/01



Background and Salary Request

Ann Breslin (Position # 60827) was selected via competitive interview process for an Environmental Scientist III (ES III) position in November 1996. On May 22, 2000 the results of a limited maintenance review of the Environmental Scientist I, II, and III classes were distributed to affected staff and their supervisors. The limited maintenance review resulted in Ann Breslin's salary being bumped up to the minimum salary of a Paygrade 15. Though this was a considerable increase it does not do anything from preventing a new hire who has no experience working as an Environmental Scientist III from being hired and immediately making as much money as Ms. Breslin who has over 5 years of experience at the ES III level in SIRB.

Pursuant to the Merit Rules, the change of paygrade associated with the results of the May 2000 maintenance review can be considered a promotion and Ms. Breslin should be eligible for an advanced hire salary. By this memo, I am requesting that Ms. Breslin receive an advanced hire of 90% of the midpoint salary, assuming that this salary is supported by a Department wide salary comparison of ES III level staff based on their years of experience of performing at the ES III level.

Justification

Ann Breslin's experience and knowledge clearly exceed the minimum requirements for an ES III. She has earned a Master of Science degree in Geo-Environmental Studies and a Bachelor of Arts degree in Biology/Environmental Science. Ann Breslin has worked in the Site Investigation and Restoration Branch (SIRB) since January 15, 1994. Therefore, she has 7.4 years of scientist

experience with the SIRB. In addition to her 7.4 years of environmental scientist experience with the SIRB, Ann Breslin has 2.243 years of related experience:

- .583 years - Chesapeake Bay Foundation - Wetland Scientist
- 1.66 years - Houghton College - Laboratory Assistant

Ann Breslin is currently handling an intensive workload at full ES III responsibility level. She has demonstrated excellent project management and organization skills in managing her assigned Federal Superfund and State HSCA Sites.

Ann's 7 months work experience at the Chesapeake Bay Foundation as a Wetlands Scientist is directly applicable to the work performed at the SIRB. Ann performed wetlands delineation research projects, which included field research and an overview of the wetlands permitting process in Pennsylvania. Emphasis was directed towards discovering if the net loss of wetlands was comparable to net gains during wetland mitigation/reconstruction.

Ann also worked for 1.66 years as a Laboratory Assistant. Her duties included teaching field and laboratory sessions, tutoring, cataloguing and preparing a herbarium of present and historic flora for the College archives and assisting in research projects.

Based on this previous work experience Ann Breslin should presently be credited with a minimum of 7 plus years of experience performing at the Environmental Scientist III level. This takes into account crediting her with over 5 years of experience at the ES III level in SIRB and 2 years of experience for her Masters Degree.

PRINCIPAL ACCOUNTABILITIES

1. *Designs, plans and oversees the implementation of complex and diverse environmental investigations, studies or projects using the best science available; prepares and presents report of findings and recommendations for action and may oversee their implementation; reviews and critiques studies or reports prepared by other technical staff, contractors or consultants.*

Years of experience performing this Principal Accountability: 7 years

During her employment with DNREC-SIRB, Ms. Breslin has performed as principal investigator, and has designed, planned and implemented 18 environmental investigations of varying scale. Specific activities performed include: workplan development, field sampling, oversight and direction of field crew and contractors, laboratory field-screening of environmental samples, technical report writing, and drawing appropriate conclusions and making recommendations to management based upon investigation results.

In addition, Ms. Breslin has performed as a project manager, which involved technical review of all consultant investigative and remedial workplans and reports, field oversight of all investigative and remedial activities, and collection of environmental split samples at assigned

sites, and has ensured that these activities were performed in compliance with applicable Federal, State and local regulations and remedial workplans and reports for other SIRB technical staff as an alternate for DNREC SIRB's technical advisory group.

2. *May review complex permit applications, technical reports, or other submissions requiring permit applications or other work products to state and/or federal agencies.*

Years of experience performing this Principal Accountability: 7 years

Ms. Breslin has performed at DNREC-SIRB as a project manager as well as principal investigator, with a significant responsibility consisting of technical and regulatory oversight and review of consultants' technical reports and workplans for numerous sites. Three of the projects have been managed in conjunction with the EPA and the Delaware State Superfund projects conducted under the regulatory authority of the Delaware Hazardous Substance Cleanup Act (HSCA) and State Voluntary Cleanup Program. Specific responsibilities include technical review of all investigative and remedial workplans, field oversight of all investigative and remedial activities and collection of environmental split samples at assigned sites, while ensuring regulatory compliance of these activities with applicable Federal, State and local regulations. In particular, all activities at these sites required compliance with the Delaware's HSCA and EPA's Comprehensive Environmental Response, Cleanup and Liability Act (CERCLA or Superfund).

3. *Represents the Division/Department as a technical expert to elected officials, the media, federal, state or local agencies, public or private organizations or individuals; may serve as group leader for inter-departmental committees and work groups.*

Years of experience performing this Principal Accountability: 5.5 years

Ann Breslin has frequent interaction with the public, the media and elected officials in subjects concerning sites under her responsibility. This included conducting unsupervised interviews with various media representatives and the public; the organizing, planning and leading of public meetings; and drafting of media releases. Ann has presented and been part of panel discussions, representing DNREC at the National Site Assessment Conferences, Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Conferences and the EPA Region III Formerly Used Defense Site (FUDS) Initiative associated conferences. Ann has also participated in the Whole Basin Initiative, and was selected as the SIRB representative for the Chesapeake and Piedmont Whole Basin Teams.

4. *May work with Deputy Attorney General to prepare evidence and develop case strategy; testifies as an expert witness.*

Years of experience performing this Principal Accountability: 5 years

While working with DNREC-SIRB, Ms. Breslin had frequent contact with the Deputy Attorney General assigned to the Hazardous Substance Clean-up Program. She worked on various legal issues concerning her assigned sites. This involved summarizing and preparing site information

for the deputy attorney general's review, updating him on the status of the various sites, preparing and attending meetings, and assisting him on the drafting of legal documents such as Consent Orders and Consent Decrees. In addition, EPA investigators have deposed her on two occasions relating to potential illegal activities, which allegedly were taking place on her sites. Ann also gathered samples and obtained information, which was used in obtaining a felony conviction by the DNREC-Enforcement Branch for illegal disposal of hazardous substances at the Cherry Island Landfill.

5. *May make recommendations for action on violations of complex permits or regulations; negotiates resolutions with affected party(ies); negotiates/resolves conflicting points of view in complex and/or controversial projects; develops enforcement strategy and policy documents.*

Years of experience performing this Principal Accountability: 7 years

A significant activity and responsibility of Ms. Breslin's position as project manager at DNREC-SIRB was the interaction and negotiation with property owners and potentially responsible parties (PRPs) and their consultants in regards to the scope, nature and extent of the investigative and remedial activities for the sites under my purview. At times these negotiations were purely technical in nature. In other instances, there were also legal and/or political considerations.

In addition, Ms. Breslin has been responsible for securing EPA Removal Action funding for three sites located on the Brandywine Creek in Wilmington, including the 13 million EPA funded cleanup of the Diamond State Salvage site. By assembling DNREC experts on varying subjects, she ensured that all issues regarding the Diamond State Salvage Site in Wilmington were resolved, including the removal of PCB contaminated sediments adjacent to the site – contrary to the general EPA removal policy on sediment removal.

6. *Develops regulations, educational materials, procedures, protocols, and statutes, grant applications or budget proposals to support departmental goals and objectives of preserving and protecting the quality of the environment.*

Years of experience performing this Principal Accountability: 4 years

Since 1997, Ann Breslin has been involved with the preparation of the Preliminary Assessment/Site Inspection Grant. Her duties have included the preparation of the estimate of hours and expenses involved with the securing of funding to complete EPA funded investigation in the State during the federal fiscal year. The grant amounts awarded to the State of Delaware have increased every year, as has the complexity of the investigation and deliverables. Ann has worked closely with the manager and the support services administrator to ensure that the grants were completed in a timely fashion.

During 2000 and 2001, Ms. Breslin has been a member of the SIRB Consultant Qualification Committee which approves or disapproves environmental consultants requesting permission to complete work under HSCA. Since January 2001, she has been the primary DNREC contact for

the SIRB Consultant Qualification Committee and processes approximately 6 requests for information per week from individuals across the United States. In 2001, she was primarily responsible for the updating of the qualifications of all consultants on the approved list. This involved contacting all 40 consulting firms on the approved list and sending out requests to them for updated qualifications. Once received, she reviewed all the submissions and sent out additional request letters to those consultants submitting packages lacking information. Upon discovering that the 'official' approved consultant list presented on the SIRB web site was incorrect, she reviewed the entire SIRB administrative files for environmental consultants, discovering an additional 5 approved consultants which had never been listed on the most current list.

Also, Ms. Breslin has represented the State of Delaware at several national EPA and ASTSWMO meetings concerning development of brownfields and voluntary cleanup programs as well as other issues that affected state Superfund programs.

7. Directs activities of other staff.

Years of experience performing this Principal Accountability: 7 years

The performance of an environmental investigation requires the expertise and knowledge of various disciplines. As a principal investigator, Ms. Breslin required the assistance of other technical staff (e.g., geologists, chemists, and engineers) in the implementation and successful completion of her projects. During the fieldwork, the chemical data validation and risk assessment processes, she coordinated and directed the activities of other technical and administrative staff, and incorporated their individual contributions into a completed environmental project and technical report.

In addition, during the summer and fall of 2000, Ms. Breslin supervised and trained Two University of Delaware students during an internship. One student has since become employed as an Environmental Engineer for a Pennsylvania consulting firm, and the other was featured (along with a description of her internship) in the University of Delaware – College of Agriculture newsletter.

KNOWLEDGE, SKILLS AND ABILITIES

For the past 10+ years, Ms. Breslin has worked as a scientist and project manager in various disciplines of physical science. Each of her positions required the ability to conduct solid scientific research, lead and manage environmental investigations. She continues to use her own scientific knowledge and skills, and employed the skills of other professionals towards the successful completion of these projects. Ms. Breslin possesses required knowledge of the different federal, state and local laws and regulations, and continuing education on upcoming or emerging trends and technologies both in the sciences, as well as in policy and regulations. Ms. Breslin has the interpersonal skills needed to communicate clearly and effectively. She is also experienced at negotiating the contents of environmental workplans and reports with responsible

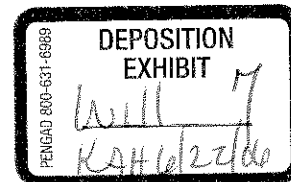
parties and their consultants who will be performing the work. Her ability to communicate effectively both orally and in writing has been demonstrated by the SIRB work experience through written technical reports and her excellent rapport with consultants, clients, and regulatory agencies.

In summary, Ms Breslin's professional and technical skill should be considered fully adequate and relevant, far beyond the entry level requirements for an ES III level for which she is being compensated.

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Division of Air and Waste Management
Director's Office



MEMORANDUM

TO: Paul W. Will, SIRB

FROM: Marjorie Crofts, Director's Office *[Signature]*

DATE: May 31, 2001

SUBJECT: Advanced Hire Request for Ann L. Breslin

The Director's Office will not be forwarding this request to the Human Resources Office as Department Policy D-0914 specifically prohibits advanced hires for maintenance reviews. This office does recognize inequities created by this maintenance review and is attempting to find an acceptable resolution through the Advance Hire Committee which both Ann Breslin and myself are working on.

** She can also not given credit for her Master's of Science degree.*

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
SITE INVESTIGATION & RESTORATION BRANCH

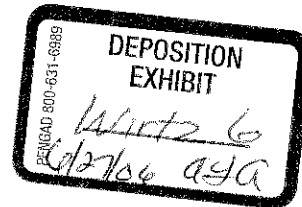
MEMORANDUM

TO: John Blevins, Director

FROM: Christina Wirtz, Program Manager

RE: Advanced Hire Request for Ann L. Breslin

DATE: *December 5*
November 2001



Previous
Background and Salary Request

advanced here
This memo is to request a review of Ann Breslin's ~~previous~~ request dated November 1996. Ann Breslin (Position # 60827) was selected via competitive interview process for an Environmental Scientist III (ES III) position in November 1996. An advanced salary of 91.8% of midpoint was requested for Ms. Breslin. *on the basis of equal employment opportunity*

According to conversations with her former manager at the time of the original advanced hire request (see attached memo dated November 13, 1996), her work experience as a Botany Laboratory Assistant and Wetlands Scientist was not considered applicable to the position, and as such, her advanced hire request was denied. During the same time frame, Keith Robertson was completing the career ladder process for promotion to an ES III, and was *given* an advanced hire on the basis of his graduate school coastal geology experience. Mr. Robertson attended graduate school for a longer period of time than Ms. Breslin and was credited for his experience while attending graduate school. Ms. Breslin completed her graduate degree in 18 months. Both possess Master of Science Degrees in related fields. Mr. ~~Keith~~ Robertson currently makes ??? per year, *in addition, this is Ms. Breslin's salary level.* and all other Environmental Scientists in SIRB are being compensated at varying levels that are *greater* than Mr. Robertson. There appears to be a significant discrepancy between Mr. Robertson's and Ms. Breslin's salaries which may be considered as sex ~~discrimination~~ *an equity issue*.

While Ms. Breslin's salary is \$38,391.
Currently, Ms. Breslin is the only female Environmental Scientist III in SIRB and is ~~being~~ compensated significantly less than her male counterparts. In addition, Ms. Breslin has several more years of seniority in State of Delaware service than two of the ES IIIs in SIRB.

In addition, on May 22, 2000 the results of a ~~limited~~ *limited* maintenance review of the Environmental Scientist I, II, and III classes were distributed to affected staff and their supervisors. The limited maintenance review resulted in Ann Breslin's salary being increased to the minimum salary of a Paygrade 15. Though this was a considerable increase, and was greatly appreciated, it created a situation in which a new hire with no State experience as an Environmental Scientist III could be

B-0037

another equity issue was created as a result

need to check with Alex

*Keith
43,000
38,391
4,609*

hired and immediately make as much money as Ms. Breslin who has over 5 years of experience at the ES III level in SIRB.

Justification

In November 1996,

Ann Breslin's experience and knowledge clearly exceeded the minimum requirements for an ES III. She earned a Master of Science degree in Geo-Environmental Studies and a Bachelor of Arts degree in Biology/Environmental Science. In addition, Ann Breslin had 2.243 years of related experience:

- 0.583 years - Chesapeake Bay Foundation - Wetland Scientist
- 1.66 years - Houghton College - Laboratory Assistant
- 2.243 years

Ann's 7 months work experience at the Chesapeake Bay Foundation as a Wetlands Scientist ~~is~~ *was* directly applicable to the work performed at the SIRB. Ann performed wetlands delineation research projects, which included field research and an overview of the wetlands permitting process in Pennsylvania. Emphasis was directed towards discovering if the net loss of wetlands was comparable to net gains during wetland mitigation/reconstruction.

Ann also worked for 1.66 years as a Laboratory Assistant at Houghton College during the completion of her Biology Degree. Her duties included teaching field and laboratory sessions, tutoring, cataloguing and preparing a herbarium of present and historic flora for the College archives and assisting in research projects.

Based on this previous work experience, Ann Breslin should ~~presently be~~ *have been* credited with a minimum of 2.243 years of experience performing at the Environmental Scientist III level. Presently, Ann Breslin has over 7 plus years of experience at the Environmental Scientist III level. Ann Breslin is currently handling an ~~intensive~~ *ex* workload at full ES III responsibility level. She has demonstrated excellent project management and organization skills in managing her assigned Federal Superfund and State HSCA Sites.

This takes into account crediting her with over 5 years of experience at the ES III level in SIRB and 2 years of experience for her Masters Degree as follows:

PRINCIPAL ACCOUNTABILITIES

1. *Designs, plans and oversees the implementation of complex and diverse environmental investigations, studies or projects using the best science available; prepares and presents report of findings and recommendations for action and may oversee their implementation; reviews and critiques studies or reports prepared by other technical staff, contractors or consultants.*

Years of experience performing this Principal Accountability: 7 years

During her employment with DNREC-SIRB, Ms. Breslin has performed as principal investigator, and has designed, planned and implemented 18 environmental investigations of varying scale. Specific activities performed include: workplan development, field sampling, oversight and direction of field crew and contractors, laboratory field-screening of environmental samples, technical report writing, and drawing appropriate conclusions and making recommendations to management based upon investigation results.

In addition, Ms. Breslin has performed as a project manager, which involved technical review of all consultant investigative and remedial workplans and reports, field oversight of all investigative and remedial activities, and collection of environmental split samples at assigned sites, and has ensured that these activities were performed in compliance with applicable federal, State and local regulations and remedial workplans and reports for other SIRB technical staff as an alternate for DNREC SIRB's technical advisory group.

2. *May review complex permit applications, technical reports, or other submissions requiring permit applications or other work products to state and/or federal agencies.*

Years of experience performing this Principal Accountability: 7 years

Ms. Breslin has performed at DNREC-SIRB as a project manager, as well as principal investigator, with a significant responsibility consisting of technical and regulatory oversight and review of consultants' technical reports and workplans for numerous sites. Many of the projects have been managed in conjunction with the EPA and the Delaware State Superfund projects conducted under the regulatory authority of the Delaware Hazardous Substance Cleanup Act (HSCA) and State Voluntary Cleanup Program. Specific responsibilities include technical review of all investigative and remedial workplans, field oversight of all investigative and remedial activities and collection of environmental split samples at assigned sites, while ensuring regulatory compliance of these activities with applicable Federal, State and local regulations. In particular, all activities at these sites required compliance with the Delaware's HSCA and EPA's Comprehensive Environmental Response, Cleanup and Liability Act (CERCLA or Superfund).

3. *Represents the Division/Department as a technical expert to elected officials, the media, federal, state or local agencies, public or private organizations or individuals; may serve as group leader for inter-departmental committees and work groups.*

Years of experience performing this Principal Accountability: 5.5 years

Ann Breslin has frequent interaction with the public, the media and elected officials in subjects concerning sites under her responsibility. This included conducting unsupervised interviews with various media representatives and the public; the organizing, planning and leading of public meetings; and drafting of media releases. Ann has presented and been part of panel discussions, representing DNREC at the National Site Assessment Conferences, Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Conferences and the EPA Region III Formerly Used Defense Site (FUDS) Initiative associated conferences. Ann has also

participated in the Whole Basin Initiative, and was selected as the SIRB representative for the Chesapeake and Piedmont Whole Basin Teams.

4. *May work with Deputy Attorney General to prepare evidence and develop case strategy; testifies as an expert witness.*

Years of experience performing this Principal Accountability: 5 years

While working with DNREC-SIRB, Ms. Breslin had frequent contact with the Deputy Attorney General assigned to the Hazardous Substance Clean-up Program. She worked on various legal issues concerning her assigned sites. This involved summarizing and preparing site information for the Deputy Attorney General's review, updating him on the status of the various sites, preparing and attending meetings, and assisting him on the drafting of legal documents such as Consent Orders and Consent Decrees. In addition, EPA investigators have deposed her on two occasions relating to potential illegal activities, which allegedly were taking place at her sites. Ann also gathered samples and obtained information, which was used in obtaining a felony conviction by the DNREC-Enforcement Branch for illegal disposal of hazardous substances at the Cherry Island Landfill.

5. *May make recommendations for action on violations of complex permits or regulations; negotiates resolutions with affected party(ies); negotiates/resolves conflicting points of view in complex and/or controversial projects; develops enforcement strategy and policy documents.*

Years of experience performing this Principal Accountability: 7 years

A significant activity and responsibility of Ms. Breslin's position as project manager at DNREC-SIRB was the interaction and negotiation with property owners and potentially responsible parties (PRPs) and their consultants in regards to the scope, nature and extent of the investigative and remedial activities for the sites under my purview. At times, these negotiations were purely technical in nature. In other instances, there were also legal and/or political considerations.

In addition, Ms. Breslin has been responsible for securing EPA Removal Action funding for three sites located on the Brandywine Creek in Wilmington, including the 16 million dollar EPA funded cleanup of the Diamond State Salvage site, and the 2.5 million dollar EPA funded stabilization of the 12th Street Drum site. By assembling DNREC experts on varying subjects, she ensured that all issues regarding the Diamond State Salvage Site in Wilmington were resolved, including the removal of PCB contaminated sediments adjacent to the site – contrary to the general EPA removal policy on sediment removal. Ms. Breslin also was able to convince the EPA OSC for the 12th Street Drum site to complete the limited removal of Lead contaminated sediments during a ban on sediment removal on all EPA funded removal activities.

6. *Develops regulations, educational materials, procedures, protocols, and statutes, grant applications or budget proposals to support departmental goals and objectives of preserving and protecting the quality of the environment.*

Years of experience performing this Principal Accountability: 4 years

Since 1997, Ann Breslin has been involved with the preparation of the Preliminary Assessment/Site Inspection Grant. Her duties have included the preparation of the estimate of hours and expenses involved with the securing of funding to complete EPA funded investigation in the State during the federal fiscal year. The grant amounts awarded to the State of Delaware have increased every year, as has the complexity of the investigation and deliverables. Ann has worked closely with the manager and the support services administrator to ensure that the grants were completed in a timely fashion.

Since mid 2000, Ms. Breslin has been a member of the SIRB Consultant Qualification Committee which approves environmental consultants requesting permission to complete work under HSCA. Since January 2001, she has been the primary DNREC contact for the SIRB Consultant Qualification Committee and processes approximately 6 requests for information per month from individuals across the United States. In 2001, she was primarily responsible for the updating of the qualifications of all consultants on the approved list. This involved contacting all 40 consulting firms on the approved list and sending out requests to them for updated qualifications. Once received, she reviewed all the submissions and sent out additional request letters to those consultants submitting packages lacking information. Upon discovering that the 'official' approved consultant list presented on the SIRB web site was incorrect, she reviewed the entire SIRB administrative files for environmental consultants, discovering an additional 5 approved consultants which had never been listed on the most current list.

Also, Ms. Breslin has represented the State of Delaware at several national EPA and ASTSWMO meetings concerning development of brownfields and voluntary cleanup programs as well as other issues that affected state Superfund programs.

7. Directs activities of other staff.

Years of experience performing this Principal Accountability: 7 years

The performance of an environmental investigation requires the expertise and knowledge of various disciplines. As a principal investigator, Ms. Breslin required the assistance of other technical staff (e.g., geologists, chemists, and engineers) in the implementation and successful completion of her projects. During the fieldwork, chemical data validation, and risk assessment processes, she coordinated and directed the activities of other technical and administrative staff, and incorporated their individual contributions into a completed environmental project and technical report.

In addition, during the summer and fall of 2000, Ms. Breslin supervised and trained two University of Delaware students during an internship. One student has since become employed as an Environmental Engineer for a Pennsylvania consulting firm, and the other was featured (along with a description of her internship) in the University of Delaware – College of Agriculture newsletter.

KNOWLEDGE, SKILLS AND ABILITIES

For the past 10+ years, Ms. Breslin has worked as a scientist and project manager in various disciplines of physical science. Each of her positions required the ability to conduct solid scientific research, lead and manage environmental investigations. She continues to use her own scientific knowledge and skills, and employed the skills of other professionals towards the successful completion of these projects. Ms. Breslin possesses required knowledge of the different federal, state and local laws and regulations, and continuing education on upcoming or emerging trends and technologies both in the sciences, as well as in policy and regulations. Ms. Breslin has the interpersonal skills needed to communicate clearly and effectively. She is also experienced at negotiating the contents of environmental workplans and reports with responsible parties and their consultants who will be performing the work. Her ability to communicate effectively both orally and in writing has been demonstrated by the SIRB work experience through written technical reports and her excellent rapport with consultants, clients, and regulatory agencies.

In summary, Ms. Breslin's professional and technical skill should be considered fully adequate and relevant, far beyond the entry level requirements for an ES III level for which she is being compensated.

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10/11/01

**EMPLOYEE INFORMATION OF
A W M Site Investigation And Restoration**

Employee	Position Number	Title	Pay Grade	Base Salary (Per Month)	OEC (Per Month)
ALLEN, ROBERT	58685	ENV SCIENTIST IV <i>IV</i>	17	<u>\$4,387.00</u>	\$1,482.58
Asreen, Robert	64887	Hydrologist <i>IV</i>	17	\$3,825.04	\$0.00
BATTERSBY, BETTY	60910	TYPIST	05	\$2,118.92	\$746.47
BEEKS, FRANCHON	60913	PUBLIC INFO OFFICER II	11	\$2,618.92	\$932.78
BRENNAN, SANDRA	63522	SENIOR SECRETARY	07	\$2,206.92	\$777.73
BRESLIN, ANN	60827	ENV SCIENTIST IV <i>IV</i>	17	\$3,199.25	\$655.30 <i>38%</i>
Charles, Gary	59712	Env Scientist IV	17	\$3,823.65	\$1,063.98
HAMBURG, TRACEY	64318	M/M COMPUTER OPERATOR II	09	\$2,471.00	\$0.00
Hattikudur, Umesh	54959	Env Engineer IV	17	\$2,440.58	\$0.00
HAWKINS, REBECCA	64888	ENV SCIENTIST IV <i>IV</i>	17	\$2,794.33	\$552.30
Hendershot, Karissa	58686	Env Scientist III <i>III</i>	15	\$2,794.42	\$794.00
HOLDEN, SHARON	61743	SECRETARY	06	\$2,208.17	\$434.25
JOHNSON, STEPHEN	08323	ENV ENGINEER IV	17	\$4,174.67	\$1,027.52
JONES III, LAWRENCE	57071	ENV SCIENTIST IV <i>IV</i>	17	<u>\$3,815.92</u>	\$995.00
Koot, Mary	63549	Support Services Admin	15	\$2,654.39	\$0.00
KRUEGER, LYNN	61654	ENV ENGINEER IV <i>IV</i>	17	\$3,330.67	\$0.00
Lasorte, Elizabeth	64886	Paralegal III	13	\$2,995.40	\$1,207.53
MCCLAIN, RUTH	61742	SECRETARY	06	\$1,835.67	\$722.21
Mobile, Nicole	60935	Secretary	06	\$1,835.67	\$0.00
OLINGER, KURT	58684	ENV SCIENTIST IV	17	<u>\$4,122.58</u>	\$1,430.32
POLING, JAMES	60908	PLANNER IV	17	\$3,891.83	\$953.20
REYES, WILMER	61681	ENV ENGINEER IV <i>IV</i>	17	\$2,566.50	\$0.00
RITTBERG, EARL	58676	Env Program Manager I	16	\$4,726.75	\$1,584.48
ROBERTSON, KEITH	59381	ENV SCIENTIST IV <i>IV</i>	17	<u>\$3,591.67</u>	\$0.00 <i>43%</i>
SALAHUDDIN, QAZI	62830	ENV SCIENTIST IV <i>IV</i>	17	\$3,599.08	\$1,216.48 <i>43%</i>
SCHULTE, ROBERT	63446	ANALYTICAL CHEMIST IV <i>IV</i>	15	\$5,402.75	\$1,190.16
SLOMAN, GARY	59365	APPLIC SUPPORT SPECIALIST	14	\$3,401.08	\$1,287.72
TALWAR, MANDEEP	65380	ENV ENGINEER IV	17	\$3,359.08	\$1,087.18
THORNTON, KRISTEN	65383	ENV SCIENTIST IV <i>IV</i>	17	\$2,794.33	\$482.38
Weiss, Kenneth	08330	Env Engineer IV	17	\$4,574.40	\$1,192.11
WILL, PAUL	54960	ENV PROGRAM MANAGER I	16	\$3,820.75	\$1,370.66
Williams, Fulton	67251	Env Compliance Specialist	07	\$2,499.42	\$338.18
Wirtz, Christina	58677	Env Program Manager II	18	\$5,143.75	\$0.00
WISEMAN, DANETA	62831	SECRETARY	06	\$1,990.83	\$0.00

*Check Larry's salary
put in Keith's salary*

CONFIDENTIAL

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
SITE INVESTIGATION & RESTORATION BRANCH

CONFIDENTIAL MEMORANDUM

TO: Merrilyn Ramsey, Personnel Administrator, HRO

FROM: John Blevins, Director, DAWM

RE: Review of Previous Advanced Hire Request for Ann L. Breslin

DATE: December 10, 2001

Attached is a confidential memorandum from Ms. Christina Wirtz requesting a review of the previous advanced hire request for Ms. Breslin dated November 13, 1996. It appears that there may be an equity issue in the consideration given to a male employee for a Masters Degree and related previous experience, but denied to Ms. Breslin. Please provide us with the basis for these decisions, and an opinion on the equal employment opportunity issue raised by Ms. Wirtz.



**DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT**

CONFIDENTIAL MEMORANDUM

TO: Merrilyn Ramsey, Personnel Administrator, HRO

FROM: John Blevins, Director, DAWM *John Blevins* 12/17/01

RE: Review of Previous Advanced Hire Request for Ann L. Breslin

DATE: December 17, 2001

Attached is a confidential memorandum from Christina Wirtz bringing to my attention a personnel issue within her group (SIRB). Christina is concerned that an inequity occurred within the Department when the advance hire request for Ann Breslin was processed and denied. Christina also believes that the Department may be vulnerable to a sexual discrimination charge based on the specifics of the situation.

I am impressed that Christina has brought this situation to my attention since trying to address the situation is not in "the path of least resistance." Based on my reading of the facts presented, I concur with Christina that the reason for an advance hire request denial for Ann is not apparent when compared to the approval of an advance hire request for Keith Robertson.

If it is true that Ann's experience and educational background were not considered and that they should have been, as were Keith's, then I believe that we (the Department) have made a mistake that we should acknowledge and correct to the best of our ability. If Ann should have been afforded an advance hire request according to the policy, at the time, then I believe we as a Department owe it to her. Additionally, I am also concerned that we do have some vulnerability on a sexual discrimination basis, and do not believe that this is the message we (the Department) want to send.

I have been spreading the message to my staff that we need to ensure that we are doing the "right thing" not just doing things "right". I hope that we will do the right thing in this instance. I do recognize that there may be other facts that impact this case but until I am aware of them I do believe we need to reconsider the case. If the facts bear out that a mistake was honestly made, I recommend that we address it as soon as possible.

The ideal cure would be to retroactively apply the advance hire salary amount and any subsequent salary adjustments to that amount. If that is not technically feasible, I believe that applying an advance hire amount now to Ann's current salary would be the appropriate cure. I know the Division has the funding to support this action, and I believe we could implement the corrective action without modifying the current advance hire policy.

Please review the attached document and my request and advise me of the next steps. I am more that willing to discuss this with you and Steve or Dave or Nick.

Thanks for your help and consideration.